

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JERMEL SHULER : CIVIL ACTION
vs. :
LOUIS FOLIO, et al. : NO. 04-CV-4704

ORDER

AND NOW, this 4th day of April, 2005, upon careful and independent consideration of the pleadings and record herein, and after review of the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter and the Petitioner's objections thereto, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The Petition for Writ of Habeas Corpus is DISMISSED.
3. A certificate of appealability is not granted.

BY THE COURT:

s/J. Curtis Joyner
J. CURTIS JOYNER, J.